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Date: January 17, 2006
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NO. 083 P.2

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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

5

Application Number	09/853,816
Filing Date	May 11, 2001
First Named Inventor	Tobagi
Art Unit	2665
Examiner Name	M. U. Phan
Attorney Docket Number	PA1689US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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Firm Name	Carr & Ferrell LLP	Cust. No. 22830
Signature	<i>Kenneth M. Kaslow</i>	
Printed name	Kenneth M. Kaslow	
Date	January 17, 2006	Reg. No. 32,246

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 17 2006

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Fouad A. Tobagi et al.
SERIAL NUMBER: 09/853,816
FILING DATE: May 11, 2001
TITLE: System and Method for Controlling Data Transfer Rates
on a Network
EXAMINER: Man U. Phan
ART UNIT: 2665
ATTY. DKT. NO.: PA1689US

CERTIFICATE OF FACSIMILE

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Under 37 C.F.R. §§ 1.56, and 1.97-1.98

SIR:

Pursuant to the provisions of 37 C.F.R. §§ 1.56 and 1.97-98 of the Rules of Practice in Patent Cases, enclosed herewith is form PTO-SB-08a, listing four references.

Applicants declare, in accordance with 37 C.F.R. § 1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a

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communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after having made a reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The Examiner is requested to make these references of official record in this application. The references cited may be material to examination of the application and are submitted in compliance with Applicants' duty of disclosure as defined by 37 C.F.R. § 1.56.

No representation is made or intended as to the completeness of this list, nor is the inclusion of any reference on this list an admission that it is prior art or pertinent to this application. No fee is due with this submission.

Respectfully submitted,
Fouad A. Tobagi et al.

January 17, 2006

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PTO/SB/08A (07-05)

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Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	09/853,816
		Filing Date	May 11, 2001
		First Named Inventor	Tobagi
		Art Unit	2665
		Examiner Name	M. U. Phan
		Attorney Docket Number	PA1689US
Sheet	1	of	1

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	09/853,816
		Filing Date	May 11, 2001
		First Named Inventor	Tobagi
		Art Unit	2665
		Examiner Name	M. U. Phan
		Attorney Docket Number	PA1689US
Sheet	1	of	1

Examiner Signature		Date Considered	
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